

THE CAVANAGH LAW FIRM
A Professional Association

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Attorneys for Defendant Colorado Casualty
Insurance Company

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF ARIZONA

MICHAEL and KATHY HANNAPPEL,
husband and wife,

Plaintiffs,

v.

COLORADO CASUALTY INSURANCE
COMPANY, a foreign insurer,

Defendant.

NO. CV2012-02601-PHX-SRB

**DEFENDANT'S RULE 26(a)(3)
DISCLOSURE**

Defendant Colorado Casualty Insurance Company, by and through its counsel
undersigned, hereby submits its Rule 26(a)(3) disclosure.

I. WITNESSES TO BE CALLED AT TRIAL

LAW OFFICES
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A. Witnesses who will be called

1. Kristin Gulstrom
2. Alicia Aros Beausoleil
3. George V. Sarkisov, Esq.
4. Bob Hommel, Esq.
5. Lisa LaMont, Esq.
6. Gina Kaiser
7. Dan Clem
8. Steve Sims
9. Debbie Baker
10. Ronald M. Lampert, MD, FAAOS
11. Robert E. Wisniewski
12. Vanessa Tartaglia, MD
13. Evan Lederman, MD
14. Neal R. Rockowitz, MD

B. Witnesses who may be called

1. Cecil Neal, PT
2. Sandy Goldstein, PT, CDMS
3. Diane Nayhouse, MS, CRC
4. David Sims, M.D.
5. Brian Clymer
6. William Stevens, M.D.
7. The CORE Institute
8. Ofer Eytan, M.D.
9. Andrew Buresh, M.D.
10. Cindy Gross M.A.

11. Elliot Flood
12. Dorothy Fune
13. Brett Hansen, D.O.
14. Industrial Commission of Arizona
15. Jerald Altman, M.D.
16. Kaiser Construction
17. Longevity Health Center
18. The Mayo Clinic
19. David Patchett, D.O.
20. Lauren Stegman, M.D.
21. Southwest Hematology Oncology
22. Any witnesses listed by Plaintiff to whom Defendant does not object
23. Custodians of records as necessary to authenticate records

II. WITNESSES WHOSE DEPOSITION TESTIMONY WILL BE PRESENTED BY DEPOSITION

Defendant reserves the right to use deposition testimony given by any party and/or witness for impeachment purposes at time of trial.

III. EXHIBITS TO BE USED AT TRIAL

A. Exhibits that will be offered

In addition to the records listed by Plaintiff in his Rule 26(a)(3) Disclosure to which Defendant does not object, Defendant lists the following additional exhibits to be offered at trial:

Exhibit No.	Bates No.	Date	Description
	CCAS-CF 00659-660	10/13/11	Claims note regarding the initial contact with the injured worker and the receipt of the claim
	CCAS-CF	10/13/11	ICA Notification list

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1		00678		
2		CCAS-CF 00087	9/30/11	Medical records and light duty work slip from Dr. Tartaglia
3		CCAS-CF 00065	9/30/11	X-ray report
4		CCAS-CF 00062	10/4/11	Off duty work slip from Dr. Tartaglia stating Plaintiff is going to have an MRI
5		CCAS-CF 00055-57	10/5/11	Radiology report of the MRI
6		CCAS-CF 00058-59	10/14/11	Work history provided by Plaintiff
7		CCAS-CF 00066-68	10/13/11	Kaiser superintendent job description provided by Plaintiff
8		CCAS-CF 00088	10/14/11	Off work slip by Dr. Tartaglia placing Plaintiff off work until 10/26/11
9		CCAS-CF 000236	9/15/11	Letter from Ms. Kaiser to Plaintiff regarding his unauthorized overtime
10		CCAS-CF 00046-52		Plaintiff's weekly and daily logs leading up to and on the day of the incident
11		CCAS-CF 00028-32	10/24/11	Recorded Statement of Dan Clem
12		CCAS-CF 00007	11/3/11	Initial Notice of Claim Status
13		CCAS-CF 000476-478	11/21/11	Notice of Request for Hearing on the Initial Notice of Claim Status filed by George Sarkisov
14		CCAS-CF 000520-521	11/23/11	Attorney Sarkisov's retention letter sent to Colorado Casualty including enclosures
15		CCAS-CF 00078-84	10/26/11	Dr. Lederman medical record
16		CCAS-CF 000514-518	11/30/11	Notice of Hearing on the Request for Hearing on the Initial Notice of Claim Status
17			12/28/11	Letter from Attorney Sarkisov to Attorney LaMont regarding the acceptance of the claim
18		CCAS-CF 00669	1/3/12	Claims note regarding the supervisor review and acceptance of the claim
19		CCAS-CF 00085-86	1/10/12	Notice of Claim Status and Wage Calculation Sheet
20		CCAS-CF 00075-84	1/16/12	Fax to Colorado Casualty requesting authorization for out-patient left shoulder rotator cuff repair
21		CCAS-CF	1/19/12	Operative report of Dr. Lederman
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1		00133-137		
2		CCAS-CF 00133-136	1/27/12	Fax request from Dr. Lederman's office for authorization of physical therapy
3		CCAS-CF 00142-143	1/27/12	Dr. Lederman medical record
4		CCAS-CF 00160-161	2/15/12	Dr. Lederman medical record
5		CCAS-CF 00168-169	2/29/12	Dr. Lederman medical record
6		CCAS-CF 00177-179	3/8/12	Dr. Lederman letter to Kristin Gulstrom regarding medical status of Plaintiff
7		CCAS-CF 00255-257	3/13/12	Request for Hearing on Average Monthly Wage
8				Additional wage statements which demonstrates earnings from Silverton Construction provided by Attorney Sarkisov
9				Stipulation increasing the AMW
10		CCAS-CF 00264	3/21/12	Dr. Lederman medical record
11		CCAS-CF 00301-305	4/18/12	Dr. Lederman medical record
12		CCAS-CF 00348-353	5/16/12	Dr. Lederman medical record
13			5/29/12	Claims note regarding the approval of the FCE
14		CCAS-CF 00382-399	6/11/12	FCE performed by Sandy Goldstein
15		CCAS-CF 00415-416	6/13/12	Dr. Lederman medical record
16			6/18/12	Notice of Claim Status ceasing temporary compensation and active medical treatment
17		CCAS-CF 00417-420	6/26/12	Letter from Attorney Sarkisov to Ms. Gulstrom regarding the unscheduled permanent disability
18			7/11/12	Corrected Notice of Permanent Disability
19		CCAS-CF 00430-434	7/18/12	Attorney Sarkisov's letter requesting Loss of Earning Capacity (LEC) advance payments
20		CCAS-CF 00436-439	8/6/12	Ms. Gulstrom's responsive e-mail to Attorney Sarkisov's 7/18/12 letter
21		CCAS-CF 00440-449	9/11/12	Attorney Sarkisov's letter requesting reconsideration of LEC advance payments, included enclosure
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1		CCAS-CF 00450-451	9/18/12	Ms. Gulstrom's response to Attorney Sarkisov's letter and requesting authority upon which he relies
2		CCAS-CF 00454-456	10/5/12	Findings and Award for Unscheduled Permanent Partial Disability
3		CCAS-CF 646-675, 870-877	10/12/12	Claims notes regarding commencement of LEC payments
4		CCAS-CF 00462-463	10/15/12	Request for Hearing challenging the LEC award
5		CCAS-CF 00465-468	11/1/12	Cascade LEC Report
6		CCAS-CF 00551-560	11/29/12	Independent Medical Evaluation (IME) performed by Neal L. Rockowitz, M.D.
7		KDBL 539	1/20/13- 1/23/13	Surveillance footage of Plaintiff
8		CCAS-CF 00614-617	2/6/13	Ms. Nayhouse's updated LEC analysis based on the Dr. Rockowitz IME
9		CCAS-CF 00845-849	11/15/13	Decision upon Hearing regarding LEC award
10		CCAS-CF 00010-27	10/13/11	Recorded Statement of Plaintiff
11		CCAS-CF 00636-645; 866-869	Various Dates	Payment ledger
12		CCAS-CF 00646-675; 870-877	Various Dates	Claims notes
13		Kaiser SDT 1-164		Kaiser Construction employment file on Plaintiff
14		Baker 1-20	1/3/14	Debbie Baker's C.V. and expert report
15		Lampert 1-9	1/2/14 and 3/12/14	Dr. Lampert's C.V. and expert reports
16		Wisniewski 1-17	12/31/13	Robert Wisniewski's C.V. and expert report
17		Paseo SDT 33	December 2011	Dr. Tartaglia's response to the Arizona DES
18		Paseo SDT 34	12/21/11	Dr. Tartaglia's amended response to the Arizona DES
19		Paseo SDT 73	March 2012	Dr. Tartaglia medical record
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1		Paseo SDT 139	August 2013	Dr. Gartenberg medical record
2		Paseo SDT 146	December 2013	Dr. Tartaglia medical record
3		Paseo SDT 152	January 2014	Dr. Tartaglia medical record
4		CSD SDT 17	November 2013	Dr. Stevens medical record
5		CSD SDT 21		Dr. Stevens patient questionnaire filled out by Plaintiff
6		CSD SDT 32		Typewritten list of injuries prepared by Plaintiff
7		LHC SDT 29	June 2013	Treatment note
8		LHC SDT 35	April 2013	Treatment note
9		PCROC SDT 3		Treatment note
10		Core SDT 1- 53	Various Dates	Treatment notes
11		EC SDT 1-7	Various Dates	Treatment notes of Plaintiff's therapy with Cindy Gross
12		Hansen SDT 1-4	November 2013	Treatment note
13		Kaiser Suppl 1-3		Additional records disclosed by Kaiser Construction
14		Mayo SDT 1-996	Various Dates	Mayo Clinic treatment records
15		KDBL 1-26		Deposition of Plaintiff taken on 1/16/13 in the underlying ICA action
16		KDBL 36	11/29/12	X-ray report from Dr. Rockowitz
17		KDBL 76- 86	Various Dates	Records regarding Plaintiff's other ICA claims
18		KDBL 87- 98	2/6/12	Correspondence from Lisa LaMont to ALJ Retzer with enclosed evidence for the LEC hearing
19		KDBL 99- 108	1/25/13	Correspondence from Lisa LaMont to ALJ Retzer with enclosed evidence for the LEC hearing
20		KDBL 111- 119	1/7/13	Interrogatories to Applicant
21		KDBL 135	5/3/12	Letter from Attorney Sarkisov to the ALJ cancelling
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1			the June 25, 2012 hearing
2	KDBL 143-150	3/20/12	Interrogatories to Applicant
3	KDBL 157-158	1/12/12	Notice of Cancellation and Award
4	KDBL 159-160	1/10/12	Notice of Claim Status
5	KDBL 170-171	9/30/11	Worker's Report of Injury
6	KDBL 176-180	February 2012	Email communications back and forth between Attorney Hommel and Attorney LaMont regarding the LEC
7	KDBL 181-182	1/3/13	Correspondence from Attorney LaMont to Attorney Hommel regarding the IME report of Dr. Rockowitz
8	KDBL 189-194	April 2012	Email communications with enclosed Silverton records on the AMW
9	KDBL 209-210	3/30/12	Correspondence from Attorney LaMont to Attorney Sarkisov with enclosed medical records release authorization
10	KDBL 211-223	March 2012	Emails back and forth between Attorney Sarkisov and Ms. Gulstrom regarding the AMW
11	KDBL 224-236	January and February 2012	Emails back and forth regarding the TPD payments
12	KDBL 237-241	1/31/13	Advantage Investigation Group Surveillance Report
13	KDBL 275-402	Various Dates	Information from the ICA regarding Plaintiff's other ICA claims
14	KDBL 403-432	2/21/13	ICA Hearing Transcript of Michael Hannappel
15	KDBL 433-451	5/22/13	ICA Hearing Transcript of Evan Lederman, M.D.
16	KDBL 452-477	05/23/13	ICA Hearing Transcript of Neal Rockowitz, MD
17	KDBL 478-511	10/03/13	ICA Hearing Transcript of Sanford Goldstein, PT, CDMA
18	KDBL 512-538	10/17/13	ICA Hearing Transcript of Dorothy Fune

1	CCAS-POL 001-40		Insurance policy
2	KAISER SDT12		KCI Doors and Hardware's confirmation that Plaintiff contacted them on 9/13/11
3		Various Dates	Custodian of Records Affidavits from all subpoena duces tecum responses disclosed by Defendant
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B. Exhibits that may be offered

1. Colorado Casualty's Certified policy documents for Friendship Retirement Corp. (CCAS-POL 00001 – 40);
2. Colorado Casualty Mutual's claim file production documents, notes and financials (CCAS-CF 00001 – 877);
3. Colorado Casualty's non-claim file production documents (CC-NCF 00001 –1113);
4. ICA defense file document production (KDBL 00001-539);
5. Plaintiff's disclosure materials;
6. Kaiser Construction production documents;
7. Arizona Neurological Institute/Maninder Kahlon, MD document production;
8. Arizona Otolaryngology Consultants/David Sims, MD document production;
9. Brian Clymer's document production;
10. Center for Spinal Disorders/ William Stevens, MD document production;
11. The Core Institute document production;
12. Desert Eye Specialists, Ltd./Ofer Eytan, MD document production;
13. Desert Springs Cancer Center/Andrew Buresh, MD document production;
14. Embracing Change - Cindy Gross document production;

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- 1 15. Elliot Flood's document production;
- 2 16. Dorothy Fune's document production;
- 3 17. Sandy Goldstein's document production;
- 4 18. Hansen Orthopedics/Brett Hansen, DO document production;
- 5 19. Robert Hommel's document production;
- 6 20. Industrial Commission of Arizona document production;
- 7 21. Jerald Altman, MD document production;
- 8 22. Kaiser Construction document production;
- 9 23. Longevity Health Center document production;
- 10 24. The Mayo Clinic document production;
- 11 25. Midwestern University/David Patchett, D.O. document production;
- 12 26. Paseo Family Physicians/Vanessa Tartaglia, D.O. document production;
- 13 27. Phoenix Cyberknife and Radiation Oncology Center/ Lauren Stegman, MD
- 14 document production;
- 15 28. Dr. Rockowitz document production;
- 16 29. Southwest Hematology Oncology document production;
- 17 30. TOCA The Orthopedic Clinic Association – Evan Lederman document
- 18 production;
- 19 31. All documents disclosed by Plaintiff, whether or not withdrawn, to which
- 20 Colorado Casualty does not object;
- 21 32. Plaintiff's responses to discovery; and
- 22 33. All depositions, and changes thereto, taken in this action, along with
- 23 exhibits.
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2 DATED this 31st day of March, 2014.

3 THE CAVANAGH LAW FIRM, P.A.

4 By: s/ Cassandra V. Meyer
5 Cassandra V. Meyer
6 Attorney for Defendant Colorado Casualty
7 Insurance Company
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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Robert J. Hommel, Esq.
Robert J. Hommel, PC
9304 E. Raintree Drive, Suite 100
Scottsdale, AZ 85260
Attorney for Plaintiffs

/s/ David Dworsky

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